

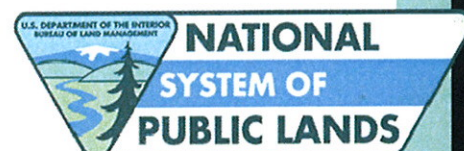
**U.S. Department of the Interior
Bureau of Land Management**

**Decision Record
DOI-BLM-NV-L030-2011-0001-DNA
October 7, 2010**

**Mail Fire
Emergency Stabilization
and Rehabilitation Project**

Lincoln County, Nevada

Ely District Office
Ely, Nevada
Phone: 775-289-1800
Fax: 775-289-1910





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely District Office

HC33 Box 33500 (702 N. Industrial Way)

Ely, Nevada 89301-9408

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
1742 (NVL0000)

DECISION

Project Title: Mail Fire	:	Decision Record
Emergency Stabilization	:	
and Rehabilitation Project	:	
	:	DOI-BLM-NV-L030-2011-0001-DNA

I have reviewed the Determination of NEPA Adequacy, and have made a Finding of No Significant Impact (FONSI) for the Mail Fire Emergency Stabilization and Rehabilitation Project. Based on my review, my decision is to implement all portions of the proposed action except livestock grazing closures. Livestock grazing closures will be implemented under a livestock closure agreement or decision.

RATIONALE:

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (Approved August 2008), and is consistent with the State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office (Approved January 2005). I have reviewed the Emergency Stabilization and Rehabilitation plan's conformance and NEPA compliance record and concur with my staff's assessment and recommendations. The proposed action is consistent with the plans and policies of relevant local, county, state, tribal, and federal agencies and governments.

Approval of the proposed action will help to ensure that the natural resources within the burned areas are not permanently degraded and the short term impacts of the burn are mitigated. Implementation of the proposed action is expected to provide beneficial sites for vegetation establishment, and will minimize the following adverse impacts:

1. Increase in dominance of invasive annuals such as cheatgrass
2. Potential increase in fire frequency, and departure from the historic fire regime
3. Soil erosion
4. Loss of diversity and abundance of native plant species
5. Depleted natural seed bank

6. Livestock grazing during the establishment period following seeding

PUBLIC INVOLVEMENT:

A BLM field tour of the burn area occurred on August 24, 2010.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the above address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301.

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

In accordance with **43 CFR 4190.1 for rangelands and 43 CFR Part 5003.1 for forested lands/woodlands** this Decision will remain in full force and effect during the appeal unless a written request for a Stay is granted. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at immediate risk of erosion or other damage due to

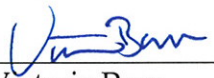
wildfire. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Approved by:



Victoria Barr
Field Manager
Caliente Field Office

10.8.10

Date